



UNITED STATES PATENT AND TRADEMARK OFFICE

per
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/646,828 | 08/25/2003 | Yoshihiro Masuda | 116937 | 1341 |

25944 7590 08/29/2006

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

SEYE, ABDOU K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2194

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,828

Applicant(s)

MASUDA, YOSHIHIRO

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/25/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08/25/03, 11/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial office action based on the application filed on August 25, 2003.

Claims 1-21 are currently pending and have been considered below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

“step detection ID 32” as described on fig. 3A of the specification is not shown in figure 3A.

“Title the object non-detection message 42” as described on fig. 4B of the specification is not shown in figure 4B.

“Title the common document folder 64” as described on fig. 5 of the specification is not shown in figure 5.

Corrections are required.

Claim Objections

3. Claim 2 is objected to because of the following informalities:

Claim 2 contains the string character “the an” in front of the word “activity” The examiner considers this as typographical error from the applicant.

A correction is required

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The problem is that claims 16-18 are each directed to functional descriptive material, per se. Each claim lacks recitation of the program in such a manner that it is executable and being claimed as structurally and functionally interconnected with the necessary physical articles or objects to establish a statutory category of invention as a manufacture or machine which would enable the program to act as a computer component and realize its functionality. It's clearly not a process or composition of matter. Therefore, it fails to fall into one of the four statutory categories of invention which establish patent-eligible subject matter.

Appropriate change is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appropriate clarification is required on the following claim:

Claims 12 and 18 recite the limitation "the degree of relation". There is insufficient antecedent basis for the limitation in this claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 and 7-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Toomey et al. (6119147)**.

Claim 1,2,14: Toomey discloses a work space control apparatus for controlling an activity which has been conducted by an object in a work space as history, the apparatus comprising:

a. Detection means for detecting an activity event conducted by the object in the work space (fig.2/200; fig. 3 col. 6 lines 37-45);

b. Activity event control means for saving the activity event

detected while the activity event detected is made to be related to the time and place of the activity for each object(fig. 2/ 105, col. 5, lines 55-60; fig. 1/105, lines 25-31); and

c. Activity event display means for displaying the saved activity event by displaying the saved object (fig. 2/120, col. 5, line 40-45).

Claim 3: Toomey discloses a work space control apparatus as in claim 1 above and further discloses that the apparatus includes an actual body acquiring means for acquiring actual body information of the object of the activity according to the activity event saved by the activity event control means (fig. 2/240 col. 5, lines40-42).

Claim 4: Toomey discloses a work space control apparatus as in claim 1 and further discloses that the activity event control means saves and display the detected activity events in a time series (fig. 2/250, col. 5, lines 60-67).

Claim 5: Toomey discloses a work space control apparatus as in claim 1 above and further discloses that the activity event display means displays an activity event by displaying objects arranged in a positional relation based on the degree of relation between the objects (fig. 3, col. 6, lines 45-48; fig. 3/1005).

Claim 7: Toomey discloses a work space control apparatus as in claim 1 above and further discloses that the detection means detects a change in a set of the user objects in the activity event, and the activity event control means saves an activity as a different activity event each time the change is detected (fig. 3, col. 7, lines 17-30).

Claim 8: Toomey discloses a work space control apparatus as in claim 3 above and further discloses that the apparatus includes an object access means for starting a predetermined processing motion (fig. 12, col. 11, lines 50-67).

Claim 9: Toomey discloses a work space control apparatus as in claim 1 above and further discloses that the work space control apparatus includes warning means ; when user arrives in the meeting room and when user leaves the meeting room (fig. 12, col. 11, lines 30-44).

Claim 10: Toomey discloses a work space control apparatus as on claim 1 and further discloses an object that includes a document used in the work space (fig. 8-10, col.12, lines 20-25).

Claims 11,13: Toomey discloses a work space control system for controlling an activity which has been conducted by an object in a work space as history, the system comprising:

- a. A detection device for detecting an activity event conducted by the object in the work space (fig. 2/220,240,230, lines 55-60);
- b. A work space history saving device for saving a detected activity event for each work space of the activity event (fig. 2/105, lines 60-67);
- c. An object history saving device for saving an activity event for each object of the activity event responding to that the activity event is detected;and (fig. 2/105, lines 60-67);
- d. An activity event display device for displaying a plurality of the save

activity events by displaying the objects when the saved activity events are traced while the other objects are being referred (fig. 2/120, lines 44-47);

Claim 12: Toomey discloses a work space control system for controlling an activity as in claim 11 above and further discloses that the activity event display device displays an activity event by displaying an object arranged in a positional relation according to the degree of relation between objects (fig. 3, col. 6, lines 45-48; fig. 3/1005).

Claim 15: Toomey discloses an activity event display apparatus for displaying and outputting history of an activity which has been conducted by an object in a work space, the apparatus comprising:

- a. An acquiring device for acquiring information of an activity event from a memory (fig. 2/210, col. 5, lines 45-55); and
- b. A displaying device (fig. 2/120, col. 5, lines 45-55).

Claims 16 and 17: Toomey discloses a program for realizing the processing to a computer to control an activity which is conducted by an object in a work space as history, the program comprising:

- a. Detecting each time an activity event conducted by the object in the work space (fig. 2, col. 6, lines 5- 20; col. 15, lines 49-64); and
- b. Saving the detected event while the detected event can be referred from the other objects for each object of the activity event (fig. 2, col. 6, lines 5- 20; col. 15, lines 49-64).

Claim 18: Toomey discloses a program for realizing the processing to a computer to display and output the history of an activity which is conducted by an object in a work space, the program comprising:

a. Acquiring information of an activity event from a memory for saving the activity event conducted by the object in the work space while the activity event can be referred from the other objects for each object of the activity event (fig. 1/105, col. 5, lines 24-32; col. 15, lines 49-64); and

b. Displaying a plurality of activity events by the display of the object when the activity event is traced referring to the other objects (fig. 1/120, col. 5, lines 10-23; col. 15, lines 49-64).

Claims 19, 20 and 21: Toomey discloses A method of controlling a work space by which an activity conducted by an object in the work space is controlled as history, the method comprising:

a. Detecting an activity event conducted by the object in the work space (fig. 7/1, col. 10, lines 58-60);

b. Saving the detected object for each object of the activity event being related to the time and place (fig. 7/3, col. 10, lines 61-63); and

c. Displaying the saved activity event by the display of the object (fig. 7/5, col. 10, lines 53-57).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Toomey et al. (6119147)** in view of **Weinberger et al. (US 6938258)**.

Claim 6: Toomey discloses a work space control apparatus as in claim 1 above that includes a detection means, means for saving the activity event and display means , but does not explicitly disclose that the apparatus includes a capture input means for photographing captured data of the activity conducted in the work space such as a video camera. However, in the same field of endeavor Weinberger discloses a system that includes video conferencing and data communication service among a plurality of addressable units over a network (fig. 7, col. 12, lines 65-67; col. 13, lines 1-27). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a video camera device within Toomey's invention to provide video conferencing among multiple users, because it would not only help improve communication among users but also provide security during data transfer; users would be able to visually authenticate each

other. One would have been motivated to communicate by video conferencing instead of text messaging in order to gain extra time and throughput. Therefore, the elimination of text typed messages would help improve users communication performance if they were slow typist.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dickinson (5634129) discloses a method and a system for providing each of a plurality of users of a computer system with a corresponding place object.

Gosalia et al (6812923) discloses a method and a system for efficiently transferring data object within a graphics display system..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre whose telephone number is (571) 272-6722. The fax phone number for Formal or Official faxes to Technology Center 3600 is (571) 273-8300. Draft or Informal faxes, which will not be

Art Unit: 2194

entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS
August 23, 2006
Examiner




James W. Myhre
Supervisory Patent Examiner